



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

CERTIFIED MAIL NO. 7007 2560 0001 7660 7396
RETURN RECEIPT REQUESTED

Mr. Gregory B. Peters, President
Rohr, Inc. dba Goodrich Aerostructures Group
8500 Lagoon Drive
Chula Vista, CA 91910-2001

Re: In the matter of Rohr, Inc. dba Goodrich Aerostructures Group
U.S. EPA Docket No. RCRA-09-0000-2009-0018

Dear Mr. Peters:

Enclosed is a copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with the United States Environmental Protection Agency (EPA).

When the EPA receives the final payment of the penalty identified in the Consent Agreement and Final Order this case will be closed. If you have any questions regarding the rules, regulations and statutes which govern the proceedings terminated by the enclosed Consent Agreement and Final Order, please contact Letitia Moore at (415) 972-3892.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", is written over the word "Sincerely,".

Jeff Scott, Director
Waste Management Division

Enclosure

FILED

2009 SEP -9 PM 4: 24

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

1 NANCY J. MARVEL
Regional Counsel
2
3 LETITIA D. MOORE
Assistant Regional Counsel
U.S. Environmental Protection Agency
4 Region IX
75 Hawthorne Street
5 San Francisco, CA 94105
(415)972-3928
6

7 **UNITED STATES**
8 **ENVIRONMENTAL PROTECTION AGENCY**
9 **REGION IX**

10 **IN THE MATTER OF:**

11
12 ROHR, INC.,
dba GOODRICH AEROSTRUCTURES GROUP,
13
14 Respondent.

Docket No.
RCRA-09-2009-00 18

**CONSENT AGREEMENT
AND
FINAL ORDER
PURSUANT TO 40 C.F.R.
SECTIONS 22.13 and 22.18**

15
16 **CONSENT AGREEMENT**

17 Complainant, the United States Environmental Protection Agency, Region IX
18 ("Complainant" or "EPA"), and Respondent, Rohr, Inc., dba Goodrich Aerostructures Group
19 ("Respondent"), the parties herein, having agreed that settlement of this matter is in the public
20 interest and that entry of this Consent Agreement and Final Order, pursuant to 40 C.F.R. Sections
21 22.13 and 22.18, ("CA/FO"), without further litigation is the most appropriate means of
22 resolving this matter;

23 NOW, THEREFORE, Complainant and Respondent hereby agree as follows:

24 A. **PRELIMINARY STATEMENT**

25 1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1)
26 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C.

27
28 CA/FO Rohr, Inc. dba Goodrich Aerostructures Group

1 § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative
2 Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits
3 ("Consolidated Rules"), 40 C.F.R. Part 22. Complainant is the United States
4 Environmental Protection Agency, Region IX. Respondent is Rohr, Inc., dba Goodrich
5 Aerostructures Group ("Respondent" or "Rohr"), a corporation organized under the laws
6 of the State of Delaware.

7 2. At the time of the violations alleged, Respondent was managing hazardous waste at a
8 facility located at 8200 Arlington Avenue in Riverside, California 92503, EPA
9 Identification Number CAD 008 324 055 (hereinafter referred to as the "Facility").

10 3. This CA/FO, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b), simultaneously commences
11 and concludes this proceeding, wherein EPA alleges that Respondent managed hazardous
12 waste in violation of the RCRA Hazardous Waste Management requirements, 42 U.S.C.
13 §§ 6921 - 6939e, the implementing regulations, and state regulations adopted pursuant to
14 the federally authorized California hazardous waste management program.

15 4. EPA is enforcing California hazardous waste management program requirements as
16 approved and authorized by the United States.

17 5. On August 1, 1992, the State of California received authorization to administer the
18 hazardous waste management program in lieu of the federal program pursuant to Section
19 3006 of RCRA, 42 U.S.C. § 6926, and 40 C.F.R. Part 271. This authorization was
20 updated on September 26, 2001 (*see* 66 Fed. Reg. 49118, September 26, 2001). The
21 authorized program is established pursuant to the Hazardous Waste Control Law, Chapter
22 6.5 of Division 20 of the California Health and Safety Code ("H&SC"), and the
23 regulations promulgated thereunder at Title 22, Division 4.5 of the California Code of
24 Regulations, 22 C.C.R. §§ 66001 *et seq.* The State of California has been authorized for
25
26
27

all the regulations referenced in this CA/FO.¹ Citations in this CA/FO are to California hazardous waste management program requirements, followed by the corresponding federal citations provided in brackets.

B. GENERAL ALLEGATIONS

6. Respondent is, and at all times referred to herein was, a "person" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10].

7. Respondent was the "owner" or "operator" of a facility as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged.

8. Respondent was a "generator" of "hazardous waste" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged.

9. Respondent was engaged in the "storage" of "hazardous waste" as defined in 22 C.C.R. § 66260.10 [*see also* 40 C.F.R. § 260.10] at the time of the violations alleged at the time of the violations alleged.

10. At the Facility, Respondent generated and accumulated materials that are "wastes" as defined in 22 C.C.R. §§ 66260.10 and 66261.2 [*see also* 40 C.F.R. §§ 260.10 and 261.2 for definition of "solid waste"].

11. At the Facility, Respondent generated and accumulated "hazardous waste" as defined in H&SC § 25117 and 22 C.C.R. §§ 66260.10 and 66261.3 [*see also* RCRA Section 1004(5), 42 U.S.C. 6903(5), and 40 C.F.R. §§ 260.10 and 261.3].

12. Respondent generated and stored waste paint related materials, waste materials contaminated with chrome and methyl ethyl ketone, investigation and remediation

¹ All citations to the "C.C.R." refer to Division 4.5 of Title 22 of the current California Code of Regulations. EPA is enforcing the California hazardous waste management program requirements as approved and authorized by the United States on August 1, 1992 (*see* 57 FR 32726, July 23, 1992) and the Final Authorization of Revisions to the Hazardous Waste Management Program as approved and authorized by the United States on September 26, 2001 (*see* 66 FR 49118, September 26, 2001). Citations to the federal regulations are included for informational purposes.

1 derived wastes, and off-specification paint related wastes materials.

2 13. Respondent is a large quantity generator ("LQG") of hazardous waste.

3 14. 22 C.C.R. § 66270.1(c) requires that owners and operators of a RCRA hazardous waste
4 treatment, storage or disposal facility must have a permit [*see also* 40 C.F.R. § 270.1(c)].

5 15. Respondent does not have a permit or grant of interim status to treat, store or dispose of
6 hazardous waste under 22 C.C.R. § 66270.1(c) [*see also* 40 C.F.R. § 270.1].

7 16. EPA conducted a RCRA Compliance Evaluation Inspection ("CEI") at the Facility on
8 May 20, 2008, and issued a RCRA CEI Report on October 14, 2008. On February 5,
9 2009, EPA issued a Notice of Violation and Request for Information to Respondent.
10 Respondent provided initial and supplemental responses to EPA on March 9, 2009 and
11 April 17, 2009.

12 17. Based upon the findings EPA made during the inspection and additional information
13 obtained subsequent to the inspection, EPA determined that Respondent violated RCRA
14 Hazardous Waste Management requirements, 42 U.S.C. §§ 6921 – 6939e, and the
15 implementing regulations, and the federally authorized California hazardous waste
16 management program, 22 C.C.R. Division 4.5, and the implementing regulations at the
17 Facility.

18 18. EPA alleges that Respondent (1) stored hazardous waste without a permit in violation of
19 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1], (2) failed to close a container of hazardous
20 waste in violation of 22 C.C.R. § 66265.173 [40 C.F.R. § 265.173], and (3) failed to
21 provide adequate aisle space for containers of corrosive (D002) hazardous waste in
22 violation of 22 C.C.R. § 66265.35 [40 C.F.R. § 265.35].

23 19. Under Section 3006 of RCRA, 42 U.S.C. § 6926, violations of the State of California's
24 authorized RCRA Hazardous Waste Management Program are federally enforceable.
25 Respondent is therefore subject to the powers vested in the EPA Administrator by Section
26 3008 of RCRA, 42 U.S.C. § 6928.

20. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Sections 3001 - 3023 of RCRA, 42 U.S.C. §§ 6921 - 6939e.

21. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of California as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

22. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region IX, who has redelegated this authority to the Director of the Waste Management Division.

C. ALLEGED VIOLATIONS

COUNT I
(Storage of Hazardous Waste Without a Permit)

23. Paragraphs 1 through 22 above are incorporated herein by this reference as if they were set forth here in their entirety.

24. 22 C.C.R. § 66262.34 [40 C.F.R. § 262.34] provides that generators of hazardous waste may accumulate hazardous waste onsite for a limited period of time, without a permit or grant of interim status, provided the generator complies with the requirements which are set forth or referenced by 22 C.C.R. § 66262.34 [40 C.F.R. § 262.34].

25. Failure to comply with the time limits or any of the requirements set forth in or referenced by 22 C.C.R. § 66262.34 [40 C.F.R. § 262.34] subjects the generator to the permitting requirements of 22 C.C.R. § 66270.1(c) [40 C.F.R. § 270.1].

26. Respondent violated several of the requirements set forth or referenced in 22 C.C.R. § 66262.34 [40 C.F.R. § 262.34] .

- 1 27. **Storage Over 90 Days.** 22 C.C.R. § 66262.34(a) [*see also* 40 C.F.R. § 262.34(a)]
2 provides that generators of hazardous waste may accumulate hazardous waste onsite for
3 up to 90 days, without a permit or grant of interim status.
- 4 28. On May 20, 2008, EPA's inspector observed fifteen (15) containers of hazardous waste
5 that had been stored at the Facility for more than 90 days.
- 6 29. Respondent's accumulation of hazardous waste at the Facility for more than 90 days
7 without a permit or grant of interim status violated the requirements of 22 C.C.R.
8 § 66262.34(a) [*see also* 40 C.F.R. § 262.34(a)]. Therefore, Respondent violated 22
9 C.C.R. § 66270.1(c) [40 C.F.R. § 270.1].
- 10 30. **Labeling Accumulation Start Date.** 22 C.C.R. § 66262.34(a)(2) [40 C.F.R.
11 §262.34(a)(2)] requires that generators who accumulate hazardous waste onsite without a
12 permit or grant of interim status shall label containers of hazardous waste with the
13 accumulation period start dates. Generators who fail to label containers of hazardous
14 waste with the accumulation start dates fail to meet the requirements of 22 C.C.R.
15 § 66262.34(a)(2) [40 C.F.R. § 262.34(a)(2)] and are subject to the permitting
16 requirements of 22 C.C.R. §66270.1(c) (40 C.F.R. §270.1].
- 17 31. On May 20, 2008, EPA's inspector observed that Respondent had not marked a satellite
18 accumulation container with the accumulation start date.
- 19 32. Respondent's storage of hazardous waste without an accumulation start date violated the
20 labeling requirements of 22 C.C.R. § 66262.34(a)(2) [40 C.F.R. § 262.34(a)(2)].
21 Therefore, Respondent has violated 22 C.C.R. §§ 66270.1 [40 C.F.R. § 270.1].
- 22 33. **Failure to Close Containers of Hazardous Waste.** 22 C.C.R. § 66262.34 [40 C.F.R.
23 §262.34] requires that large and small quantity generators who accumulate hazardous
24 waste onsite without a permit or grant of interim status comply with the requirements of
25 22 C.C.R. § 66265.173 [40 C.F.R. § 265.173]. 22 C.C.R. § 66265.173(a) [40 C.F.R.

§ 265.173(a)] requires that containers holding hazardous waste shall always be closed during transfer and storage, except when it is necessary to add or remove waste.

34. On May 20, 2008, EPA inspectors observed that a container of hazardous waste was open at a time when waste was neither being added nor removed from the container.

35. Respondent's failure to close the container of hazardous waste violated 22 C.C.R.

§ 66265.173 [40 C.F.R. § 265.173]. Therefore, Respondent has violated 22

C.C.R. § 66270.1 [40 C.F.R. § 270.1].

36. **Accumulation near initial point of generation.** 22 C.C.R. § 66262.34(e) [40 C.F.R.

§ 262.34(c)] allows generators who accumulate hazardous waste onsite without a permit

or grant of interim status to accumulate as much as 55 gallons of hazardous waste at or

near the point of generation.

37. On May 20, 2008, EPA's inspector observed containers of hazardous waste at the Facility in satellite accumulation areas that were not located at or near the point of generation.

38. On May 20, 2008, EPA's inspector also observed containers of hazardous in excess of 55 gallons waste in satellite accumulation areas.

39. Respondent's failure to comply with the 55 gallon limit requirement and the requirement to have satellite accumulation areas at or near the point of generation violated

22 C.C.R. § 66262.34(e) [40 C.F.R. § 262.34(c)]. Therefore, Respondent has violated 22

C.C.R. § 66270.1 [40 C.F.R. § 270.1].

COUNT II

(Failure to Close Container)

40. Paragraphs 1 through 39 above are incorporated herein by this reference as if they were set forth here in their entirety.

41. 22 C.C.R. § 66262.34 [40 C.F.R. § 262.34] requires that large and small quantity generators who accumulate hazardous waste onsite without a permit or grant of interim status comply with the requirements of 22 C.C.R. § 66265.173 [40 C.F.R. § 265.173]. 22

1 C.C.R. §66265.173(a) [40 C.F.R. §265.173(a)] requires that containers holding hazardous
2 waste shall always be closed during transfer and storage, except when it is necessary to
3 add or remove waste.

4 42. On May 20, 2008, EPA inspectors observed that a container of hazardous waste was open
5 at a time when waste was neither being added nor removed from the container.

6 43. Respondent's failure to close the container of hazardous waste violated 22 C.C.R.
7 § 66265.173 [40 C.F.R. § 265.173]. Therefore, Respondent has violated 22
8 C.C.R. § 66270.1 [40 C.F.R. § 270.1].

9 COUNT III
10 (Failure to Provide Adequate Aisle Space)

11 44. Paragraphs 1 through 43 above are incorporated herein by this reference as if they were
12 set forth here in their entirety.

13 45. 22 C.C.R. § 66265.35 [*see also* 40 C.F.R. §265.35] requires that the owner or operator
14 maintain adequate aisle space for the unobstructed movement of personnel, fire protection
15 equipment, spill control equipment, and decontamination equipment.

16 46. On May 20, 2008, EPA's inspector observed that aisle space around corrosive waste
17 (D002) storage containers at the Facility was inadequate to provide Respondent with
18 access to the containers as required by 22 C.C.R. § 66265.35 [*see also* 40 C.F.R.
19 § 265.35].

20 47. Respondent's failure to provide adequate aisle space violated 22 C.C.R. § 66265.35 [*see*
21 *also* 40 C.F.R. § 265.35].

22 D. CIVIL PENALTY

23 48. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as amended by the Debt Collection
24 Improvement Act of 1996, 40 C.F.R. Part 19, authorizes a civil penalty of up to THIRTY-
25 TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$32,500) per day for each
26 violation of Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.

1 49. Based upon the facts alleged herein and upon those factors which EPA must consider
2 pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil
3 Penalty Policy, including the seriousness of the violations, any good faith efforts by
4 Respondents to comply with applicable requirements, and any economic benefit accruing
5 to Respondents, as well as such other matters as justice may require, EPA proposes that
6 Respondents be assessed SIXTY-SIX THOUSAND AND FIVE HUNDRED DOLLARS
7 (\$66,500) as the civil penalty for the violations alleged herein. The proposed penalty is
8 consistent with the "RCRA Civil Penalty Policy," dated June 2003, as adjusted by the
9 Debt Collection Improvement Act.

10 E. ADMISSIONS AND WAIVERS

11 50. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations
12 set forth in Sections A and B of this CA/FO. Respondent consents to and agrees not to
13 contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce
14 its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel
15 compliance with this CA/FO in any enforcement proceedings, either administrative or
16 judicial, or to impose sanctions for violations of this CA/FO.

17 51. Respondent neither admits nor denies any allegations of fact or law set forth in Section C
18 of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the
19 allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing
20 on any issue relating to the factual allegations or legal conclusions set forth in this
21 CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42
22 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without
23 adjudication. In addition, Respondent hereby waives any rights Respondent may have to
24 appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

1 F. PARTIES BOUND

2 52. This CA/FO shall apply to and be binding upon Respondent and its agents, successors
3 and assigns and upon all persons acting under or for Respondent, until such time as the
4 civil penalty required under Section D has been paid in accordance with Section G, all
5 compliance tasks have been completed, and any delays in performance and/or stipulated
6 penalties have been resolved. At such time as those matters are concluded, this CA/FO
7 shall terminate and constitute full settlement of the civil violations alleged herein.

8 53. No change in ownership or corporate, partnership or legal status relating to the Facility
9 will in any way alter Respondent's obligations and responsibilities under this CA/FO.

10 54. The undersigned representative of Respondent hereby certifies that he is fully authorized
11 by Respondent to enter into this CA/FO, to execute and to legally bind Respondent.

12 G. PAYMENT OF CIVIL PENALTY

13 55. Respondent hereby consents to the assessment of a civil penalty in the amount of SIXTY-
14 SIX THOUSAND AND FIVE HUNDRED DOLLARS (\$66,500) in full and final
15 settlement of the civil penalty claims of the United States for the violations of the
16 federally authorized California hazardous waste management program established
17 pursuant to the California Hazardous Waste Control Law, Chapter 6.5 of Division 20 of
18 the California H&SC, and 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1], 22 C.C.R.
19 § 66265.173 [40 C.F.R. § 265.173], and 22 C.C.R. § 66265.35 [40 C.F.R. § 265.35], as
20 alleged in Section C above. Entry of this CA/FO and payment by Respondent of the
21 penalty shall resolve all civil claims of the United States for the violations alleged in this
22 CA/FO.

23 56. Respondent shall submit payment of the civil penalty of SIXTY-SIX THOUSAND AND
24 FIVE HUNDRED DOLLARS (\$66,500) within thirty (30) calendar days of the Effective
25 Date of this CA/FO. The Effective Date of this CA/FO is the date that the Final Order
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1 contained in this CA/FO, having been approved and issued by either the Regional Judicial
2 Officer or Regional Administrator, is filed.

3 57. Payment shall be made by wire transfer to the account of the U.S. Treasury at the Federal
4 Reserve Bank of New York.

5 Federal Reserve Bank of New York
6 ABA: 021030004
7 Account Number: 68010727
8 SWIFT address: FRNYUS33
9 33 Liberty Street
10 New York NY 10045
11 Field Tag 4200 of the Fedwire message should read:
12 "D 68010727 Environmental Protection Agency"

13 *See also*, http://www.epa.gov/cfo/finservices/make_a_payment_cin.htm.

14 58. At the time payment is so made, a copy of the transmittal form shall be sent to:

15 Regional Hearing Clerk (RC-1)
16 U.S. Environmental Protection Agency - Region IX
17 75 Hawthorne Street
18 San Francisco, CA 94105

19 and

20 John Schofield (WST-3)
21 Waste Management Division
22 U.S. Environmental Protection Agency - Region IX
23 75 Hawthorne Street
24 San Francisco, CA 94105

25 59. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM
26 6-8000), the payment must be received within thirty (30) calendar days of the effective
27 date of this CA/FO to avoid additional charges. If payment is not received within thirty
28 (30) calendar days, interest will accrue from the effective date of this CA/FO at the
current rate published by the United States Treasury as described at 40 C.F.R. §13.11(a).
Additionally, administrative costs for collecting the overdue debt will be assessed
monthly and a monthly penalty charge will be assessed at a rate of 6% per annum on any
principal amount not paid within ninety (90) calendar days of the due date. See 40 C.F.R.

§13.11(b) and (c). Furthermore, Respondent will be liable for stipulated penalties as set forth below for any payment not received by its due date.

H. DELAY IN PERFORMANCE AND STIPULATED PENALTIES

60. In addition to the interest and per annum penalties described above, in the event that Respondent fails to pay the full amount of the penalty within the time specified in Section G, Respondent agrees to pay Complainant a stipulated penalty in the amount of up to FIVE THOUSAND DOLLARS (\$5,000.00) for each day the default continues.

61. All penalties shall begin to accrue on the date that performance is due or a violation occurs, and shall continue to accrue through the final day of correction of the noncompliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations.

62. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. § 13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.

63. All penalties under this Section shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

64. All payments shall indicate the name of the Facility, any EPA identification number of the Facility, Respondent's name and address, and the EPA docket number of this action. At the time payment is made, Respondent shall send a copy of the payment transmittal to:

John Schofield (WST-3)

Waste Management Division
U.S. Environmental Protection Agency - Region IX
75 Hawthorne Street
San Francisco, CA 94105

65. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.

66. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this CA/FO.

I. CERTIFICATION OF COMPLIANCE

67. Upon signing this CA/FO, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with the requirements of the federally authorized California hazardous waste management program, and 22 C.C.R. § 66270.1 [40 C.F.R. § 270.1], 22 C.C.R. § 66265.173 [40 C.F.R. § 265.173], and 22 C.C.R. § 66265.35 [40 C.F.R. § 265.35], that formed the basis for the violations alleged in this CA/FO.

68. This certification of compliance is based upon true, accurate and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. RESERVATION OF RIGHTS

69. EPA expressly reserves all rights and defenses that it may have.

70. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c)

1 of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to
2 sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or
3 criminal, which EPA has under RCRA, the Comprehensive Environmental Response,
4 Compensation and Liability Act of 1980, as amended ("CERCLA"), or any other
5 statutory, regulatory or common law enforcement authority of the United States, except as
6 otherwise provided herein.

7 71. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of
8 its obligations to comply with any applicable local, state, or federal laws and regulations.

9 72. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise
10 preclude EPA from taking additional enforcement actions should EPA determine that
11 such actions are warranted except as they relate to Respondent's liability for federal civil
12 penalties for the specific alleged violation and facts as set forth in Section C of this
13 CA/FO.

14 73. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does
15 not relieve Respondent of any obligation to obtain and comply with any local, state, or
16 federal permits. Compliance by Respondent with the terms of this CA/FO shall not
17 relieve Respondent of any obligations to comply with RCRA or any other applicable
18 local, state, or federal laws and regulations.

19 74. EPA reserves its right to seek reimbursement from Respondent for any additional costs
20 incurred by the United States which may result or arise from the alleged counts set forth
21 in Section C. Notwithstanding compliance with the terms of this CA/FO, Respondent is
22 not released from liability, if any, for the costs of any response actions taken by EPA.

23 K. OTHER CLAIMS

24 75. Nothing in this CA/FO shall constitute or be construed as a release from any other claim,
25 cause of action or demand in law or equity by or against any person, firm, partnership,
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1 entity or corporation for any liability it may have arising out of or relating in any way to
2 the generation, storage, treatment, handling, transportation, release, or disposal of any
3 hazardous constituents, hazardous substances, hazardous wastes, pollutants, or
4 contaminants found at, taken to, or taken from the Facility.

5 L. MISCELLANEOUS

6 76. This CA/FO may be amended or modified only by written agreement executed by both
7 EPA and Respondent.

8 77. The headings in this CA/FO are for convenience of reference only and shall not affect
9 interpretation of this CA/FO.

10 78. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this
11 proceeding.


12 M. EFFECTIVE DATE

13 79. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CA/FO shall be effective
14 on the date that the Final Order contained in this CA/FO, having been approved and
15 issued by either the Regional Judicial Officer or Regional Administrator, is filed.
16

17 **IT IS SO AGREED,**

18
19 For Respondent **ROHR, INC. dba GOODRICH AEROSTRUCTURES GROUP**
20
21

22 July 31, 2009
23 Date

24 

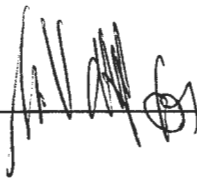
25 Gregory B. Peters
26 President
27 Rohr, Inc.
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For Complainant U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION IX

8/3/09

Date



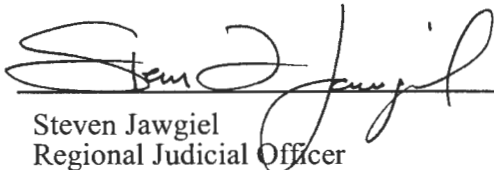
Jeff Scott
Director
Waste Management Division
United States Environmental Protection Agency,
Region IX

1
2 **FINAL ORDER**
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6 **IT IS HEREBY ORDERED** that this Consent Agreement and Final Order ((U.S. EPA Docket
7 No. RCRA-09-2009-00 ~~18~~) be entered and that Respondent pay a civil penalty in the amount
8 of SIXTY-SIX THOUSAND AND FIVE HUNDRED DOLLARS (\$66,500) by wire transfer to
9 the account of the U.S. Treasury at the Federal Reserve Bank of New York, within thirty (30)
10 days after the Effective Date of this Consent Agreement and Final Order. A copy of the wire
11 transfer form shall be sent to the EPA Region IX addresses specified in Section G of this Consent
12 Agreement and Final Order within such 30-day period.
13

14 This Final Order shall be effective upon filing.
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17
18 09/09/09
19 Date

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Steven Jawgiel
Regional Judicial Officer
United States Environmental Protection Agency,
Region IX
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CERTIFICATE OF SERVICE

I hereby certify that on the date below, the original copy of the foregoing Complaint, Consent Agreement and Final Order, was filed with the Regional Hearing Clerk, Region IX, and that copies were sent by:

Certified Mail, Return Receipt Requested to:

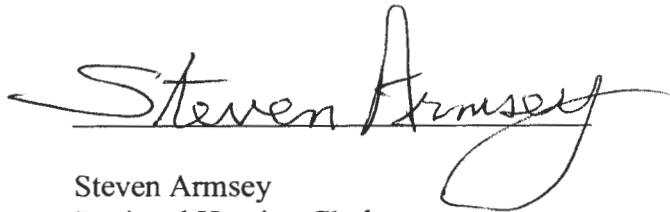
Mr. Gregory B. Peters, President
Rohr, Inc. dba Goodrich Aerostructures Group
8500 Lagoon Drive
Chula Vista, CA 91910-2001

and, Regular Mail to:

Karen Nardi, Esq.
Arnold & Porter, LLP
27th Floor
275 Battery Street
San Francisco, CA 94111-3305

09-09-09

Date

A handwritten signature in black ink that reads "Steven Armsey". The signature is fluid and cursive, with a long horizontal stroke extending to the left and a large loop at the end.

Steven Armsey
Regional Hearing Clerk
Office of Regional Counsel, Region IX